

**UNITED STATES BANKRUPTCY COURT
District of New Jersey**

IN RE: **Nicole Davis**

Case No.:

18-14689

Judge:

Meisel

Debtor(s)

CHAPTER 13 PLAN AND MOTIONS

☒ Original

☐ Motions Included

☒ Modified/Notice Required

☐ Modified/No Notice Required

Date:

7/30/2018

THE DEBTOR HAS FILED FOR RELIEF UNDER
CHAPTER 13 OF THE BANKRUPTCY CODE.

YOUR RIGHTS WILL BE AFFECTED.

You should have received from the court a separate *Notice of the Hearing on Confirmation of Plan*, which contains the date of the confirmation hearing on the Plan proposed by the Debtor. This document is the actual Plan proposed by the Debtor to adjust debts. You should read these papers carefully and discuss them with your attorney. Anyone who wishes to oppose any provision of this Plan or any motion included in it must file a written objection within the time frame stated in the Notice. Your rights may be affected by this plan. Your claim may be reduced, modified, or eliminated. This Plan may be confirmed and become binding, and included motions may be granted without further notice or hearing, unless written objection is filed before the deadline stated in the Notice. The Court may confirm this plan, if there are no timely filed objections, without further notice. See Bankruptcy Rule 3015. If this plan includes motions to avoid or modify a lien, the lien avoidance or modification may take place solely within the chapter 13 confirmation process. The plan confirmation order alone will avoid or modify the lien. The debtor need not file a separate motion or adversary proceeding to avoid or modify a lien based on value of the collateral or to reduce the interest rate. An affected lien creditor who wishes to contest said treatment must file a timely objection and appear at the confirmation hearing to prosecute same.

THIS PLAN:

☐ DOES ☒ DOES NOT CONTAIN NON-STANDARD PROVISIONS. NON-STANDARD PROVISIONS MUST ALSO BE SET FORTH IN PART 10.

☐ DOES ☒ DOES NOT LIMIT THE AMOUNT OF A SECURED CLAIM BASED SOLELY ON VALUE OF COLLATERAL, WHICH MAY RESULT IN A PARTIAL PAYMENT OR NO PAYMENT AT ALL TO THE SECURED CREDITOR. SEE MOTIONS SET FORTH IN PART 7, IF ANY.

☐ DOES ☒ DOES NOT AVOID A JUDICIAL LIEN OR NONPOSSESSORY, NONPURCHASE-MONEY SECURITY INTEREST. SEE MOTIONS SET FORTH IN PART 7, IF ANY.

Initial Debtor(s)' Attorney ml

Initial Debtor: N D

Initial Co-Debtor

Part 1: Payment and Length of Plan

a. The debtor shall pay 200.00 Monthly to the Chapter 13 Trustee, starting on June 15, 2018 for approximately 60 months.

b. The debtor shall make plan payments to the Trustee from the following sources:

<input checked="" type="checkbox"/> <input type="checkbox"/>	Future Earnings Other sources of funding (describe source, amount and date when funds are available):
<p>c. Use of real property to satisfy plan obligations:</p> <div style="margin-left: 20px;"> <input type="checkbox"/> Sale of real property Description: Proposed date for completion: _____ </div> <div style="margin-left: 20px; margin-top: 10px;"> <input type="checkbox"/> Refinance of real property: Description: Proposed date for completion: _____ </div> <div style="margin-left: 20px; margin-top: 10px;"> <input checked="" type="checkbox"/> Loan modification with respect to mortgage encumbering property: Description: 545 McCheney Street, Orange NJ 07050 Proposed date for completion: <u>Dec 30, 2018</u> </div> <p>d. <input checked="" type="checkbox"/> The regular monthly mortgage payment will continue pending the sale, refinance or loan modification.</p> <p>e. <input type="checkbox"/> Other information that may be important relating to the payment and length of plan:</p>	

Part 2: Adequate Protection

☒ **NONE**

- a. Adequate protection payments will be made in the amount of \$ ____ to be paid to the Chapter 13 Trustee and disbursed pre-confirmation to ____ (creditor).
- b. Adequate protection payments will be made in the amount of \$ ____ to be paid directly by the debtor(s) outside the Plan, pre-confirmation to: ____ (creditor).

Part 3: Priority Claims (Including Administrative Expenses)

- a. All allowed priority claims will be paid in full unless the creditor agrees otherwise:

Creditor	Type of Priority	Amount to be Paid
Michelle Labayen 2960	Attorney Fees	1,500.00
Internal Revenue Service	Taxes and certain other debts	0.00
New Jersey Gross Income Tax	Taxes and certain other debts	0.00

- b. Domestic Support Obligations assigned or owed to a governmental unit and paid less than full amount:
 Check one:
- ☒ None
- ☐ The allowed priority claims listed below are based on a domestic support obligation that has been assigned to or is owed to a governmental unit and will be paid less than the full amount of the claim pursuant to 11 U.S.C.1322(a)(4):

Creditor	Type of Priority	Claim Amount	Amount to be Paid
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Part 4: Secured Claims

a. Curing Default and Maintaining Payments on Principal Residence: ☐ NONE

The Debtor will pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor shall pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor M&T Bank C/O Byaview Loan Servicing PO Box 840 Buffalo NY 14240	Collateral or Type of Debt 545 Mcchesney Street Orange, NJ 07050 Essex County Debtor's Residence Purchase Date 01/11/2008 Purchase Price \$232,000.00 To be Reaffirm	Arrearage \$41,602.34	Interest Rate on Arrearag e o	Amount to be Paid to Creditor (In Plan) 0 pending loss mitigaton	Regular Monthly Payment (Outside Plan) 1126
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b. Curing and Maintaining Payments on Non-Principal Residence & other loans or rent arrears: ☒ NONE

The Debtor will pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor will pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearag e	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)

c. Secured claims excluded from 11 U.S.C. 506: ☒ NONE

The following claims were either incurred within 910 days before the petition date and are secured by a purchase money security interest in a motor vehicle acquired for the personal use of the debtor(s), or incurred within one year of the petition date and secured by a purchase money security interest in any other thing of value:

Name of Creditor	Collateral	Interest Rate	Amount of Claim	Total to be Paid through the Plan Including Interest Calculation

d. Requests for valuation of security, Cram-down, Strip Off & Interest Rate Adjustments ☒ NONE

1.) The debtor values collateral as indicated below. If the claim may be modified under Section 1322(b)(2), the secured creditor shall be paid the amount listed as the "Value of the Creditor Interest in Collateral," plus interest as stated. The portion of any allowed claim that exceeds that value shall be treated as an unsecured claim. If a secured claim is identified as having "NO VALUE" it shall be treated as an unsecured claim.

**NOTE: A modification under this section ALSO REQUIRES
the appropriate motion to be filed under Section 7 of the Plan.**

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor Interest in Collateral	Annual Interest Rate	Total Amount to Be Paid
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-NONE-

2.) Where the Debtor retains collateral and completes the Plan, payment of the full amount of the allowed secured claim shall discharge the corresponding lien.

e. Surrender ☒ NONE

Upon confirmation, the stay is terminated as to surrendered collateral only under 11 U.S.C. 362(a) and that the stay under 11 U.S.C 1301 be terminated in all respects. The Debtor surrenders the following collateral:

Creditor	Collateral to be Surrendered	Value of Surrendered Collateral	Remaining Unsecured Debt
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f. Secured Claims Unaffected by the Plan ☐ NONE

The following secured claims are unaffected by the Plan:

Creditor
Newark Fireman FCU

g. Secured Claims to be Paid in Full Through the Plan ☒ NONE

Creditor	Collateral	Total Amount to be Paid through the Plan
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Part 5: Unsecured Claims ☒ NONE

a. **Not separately classified** allowed non-priority unsecured claims shall be paid:

- ☐ Not less than \$___ to be distributed *pro rata*
- ☐ Not less than ___ percent
- ☒ *Pro Rata* distribution from any remaining funds

b. **Separately Classified Unsecured** claims shall be treated as follows:

Creditor	Basis for Separate Classification	Treatment	Amount to be Paid
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Part 6: Executory Contracts and Unexpired Leases ☒ NONE

(NOTE: See time limitations set forth in 11 U.S.C. 365(d)(4) that may prevent assumption of non-residential real property leases in this Plan.)

All executory contracts and unexpired leases, not previously rejected by operation of law, are rejected, except the following, which are assumed:

Creditor	Arrears to be Cured in Plan	Nature of Contract or Lease	Treatment by Debtor	Post-Petition Payment
Newark Fireman FCU	0	car contract	paid outside of plan	370

Part 7: Motions ☒ NONE

NOTE: All plans containing motions must be served on all potentially affected creditors, together with local form, *Notice of Chapter 13 Plan Transmittal*, within the time and in the manner set forth in D.N.J. LBR 3015-1. A Certification of Service, Notice of Chapter 13 Plan Transmittal and valuation must be filed with the Clerk of Court when the plan and transmittal notice are served.

a. Motion to Avoid Liens under 11 U.S.C. Section 522(f). ☒ NONE

The Debtor moves to avoid the following liens that impair exemptions:

Creditor	Nature of Collateral	Type of Lien	Amount of Lien	Value of Collateral	Amount of Claimed Exemption	Sum of All Other Liens Against the Property	Amount of Lien to be Avoided
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b. Motion to Avoid Liens and Reclassify Claim from Secured to Completely Unsecured. ☒ NONE

The Debtor moves to reclassify the following claims as unsecured and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor's Interest in Collateral	Total Amount of Lien to be Reclassified
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c. Motion to Partially Void Liens and Reclassify Underlying Claims as Partially Secured and Partially Unsecured. ☒ NONE

The Debtor moves to reclassify the following claims as partially secured and partially unsecured, and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Amount to be Deemed Secured	Amount to be Reclassified as Unsecured
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Part 8: Other Plan Provisions

a. Vesting of Property of the Estate

- ☒ Upon Confirmation
☐ Upon Discharge

b. Payment Notices

Creditors and Lessors provided for in Parts 4, 6 or 7 may continue to mail customary notices or coupons to the Debtor notwithstanding the automatic stay.

c. Order of Distribution

The Standing Trustee shall pay allowed claims in the following order:

- 1) Ch. 13 Standing Trustee Commissions
- 2) Other Administrative Claims
- 3) Secured Claims
- 4) Lease Arrearages
- 5) Priority Claims

6) General Unsecured Claims

d. Post-Petition Claims

The Standing Trustee ☐ is, ☒ is not authorized to pay post-petition claims filed pursuant to 11 U.S.C. Section 1305(a) in the amount filed by the post-petition claimant.

Part 9: Modification ☒ **NONE**

If this Plan modifies a Plan previously filed in this case, complete the information below.

Date of Plan being modified: _____.

Explain below **why** the plan is being modified:

Explain below **how** the plan is being modified:

Are Schedules I and J being filed simultaneously with this Modified Plan? ☐ Yes ☒ No

Part 10 : Non-Standard Provision(s): Signatures Required

Non-Standard Provisions Requiring Separate Signatures

☒ **NONE**

☐ Explain here:

Any non-standard provisions placed elsewhere in this plan are void.

The Debtor(s) and the attorney for the Debtor(s), if any, must sign this Certification.

I certify under penalty of perjury that the plan contains no non-standard provisions other than those set forth in this final paragraph.

Date July 30, 2018

/s/ Michelle Labayen

Michelle Labayen 2960

Attorney for the Debtor

Date: July 30, 2018

/s/ Nicole DAVIS

Nicole Davis

Debtor

Date: _____

Joint Debtor

Signatures

The Debtor(s) and the attorney for the Debtor(s) if any, must sign this Plan.

Date July 30 2018

/s/ Michelle Labayen

Michelle Labayen 2960

Attorney for the Debtor

I certify under penalty of perjury that the above is true.

Date: july 30, 2018

/s/ Nicole Davis

Nicole Davis

Debtor

Date: _____

Joint Debtor

Certificate of Notice Page 7 of 8
 United States Bankruptcy Court
 District of New Jersey

In re:
 Nicole Davis
 Debtor

Case No. 18-14689-SLM
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0312-2

User: admin
 Form ID: pdf901

Page 1 of 2
 Total Noticed: 41

Date Rcvd: Jul 31, 2018

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Aug 02, 2018.

db +Nicole Davis, 545 McChesney Street, Orange, NJ 07050-1218
 cr +Newark Firemen Federal Credit Union, c/o, Neal M. Ruben, Esq., 179 Avenue at the Common, Suite 201, Shrewsbury, NJ 07702-4558
 517380040 +Amex, Correspondence, Po Box 981540, El Paso, TX 79998-1540
 517380042 +Barclays Bank Delaware, 100 S West St, Wilmington, DE 19801-5015
 517659120 Bayview Loan Servicing, LLC, Bankruptcy Department, P.O. Box 840, Buffalo, NY 14240-0840
 517380044 +Cavalry Services, LLC, PO Box 27288, Tempe, AZ 85285-7288
 517380046 +City of Orange Township, 8189 Adams Dr., Hummelstown, PA 17036-8625
 517380049 +Equifax, POB 740241, Atlanta, GA 30374-0241
 517380050 +Experian, 475 Anton Blvd, Costa Mesa, CA 92626-7037
 517380051 +FedLoan Servicing, Attention: Bankruptcy, Po Box 69184, Harrisburg, PA 17106-9184
 517380052 +Horizon Blue Cross, PO Box 317, Newark, NJ 07101-0317
 517380054 +KML Law Group PC, 216 Haddon Avenue, ste 406, Collingswood, NJ 08108-2812
 517639011 +Laridian Consulting, Inc., c/o Fein Such Kahn & Shepard PC, 7 Century Dr., Suite 201, Parsippany, NJ 07054-4609
 517380055 +Lincoln Court LLC, 357 Lincoln Ave, Orange, NJ 07050-2377
 517380058 +New Jersey Gross Income Tax, P.O Box 046, Trenton, NJ 08646-0046
 517380732 +Orion, c/o of PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
 517380060 +PSE&G, PO Box 14444, New Brunswick, NJ 08906-4444
 517380063 +Tempoe LLC, 1750 Elm St #1200, Manchester, NH 03104-2907
 517380064 +TransUnion, 555 W. Adams Street, Chicago, IL 60661-3631
 517380065 +Trident Asset Management, Attn: Bankruptcy, Po Box 888424, Atlanta, GA 30356-0424

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

smg E-mail/Text: usanj.njbankr@usdoj.gov Aug 01 2018 00:27:00 U.S. Attorney, 970 Broad St., Room 502, Rodino Federal Bldg., Newark, NJ 07102-2534
 smg +E-mail/Text: ustpreign03.ne.ecf@usdoj.gov Aug 01 2018 00:26:58 United States Trustee, Office of the United States Trustee, 1085 Raymond Blvd., One Newark Center, Suite 2100, Newark, NJ 07102-5235
 cr +E-mail/Text: bnc@atlasacq.com Aug 01 2018 00:26:10 Atlas Acquisitions LLC, 294 Union Street, Attn: Avi Schild, Hackensack, NJ 07601-4303
 cr +E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Aug 01 2018 00:29:52 Orion, c/o PRA Receivables Management LLC, POB 41021, Norfolk, VA 23541-1021
 517380041 +E-mail/Text: g20956@att.com Aug 01 2018 00:27:33 AT&T, P.O Box 537104, Atlanta, GA 30353-7104
 517380039 +E-mail/Text: EBNProcessing@afni.com Aug 01 2018 00:27:09 Afni, Attn: Bankruptcy, Po Box 3097, Bloomington, IL 61702-3097
 517414045 +E-mail/Text: bnc@atlasacq.com Aug 01 2018 00:26:09 Atlas Acquisitions LLC, 294 Union St., Hackensack, NJ 07601-4303
 517540593 E-mail/PDF: resurgentbknofications@resurgent.com Aug 01 2018 00:30:27 CACH, LLC, c/o Resurgent Capital Services, P O Box 10675, Greenville, SC 29603-0675
 517380043 +E-mail/PDF: AIS.cocard.ebn@americaninfosource.com Aug 01 2018 01:30:37 Capital One, Attn: General Correspondence/Bankruptcy, Po Box 30285, Salt Lake City, UT 84130-0285
 517543853 +E-mail/Text: bankruptcy@cvaps.com Aug 01 2018 00:27:19 Cavalry SPV I, LLC, 500 Summit Lake Drive, Ste 400, Valhalla, NY 10595-2321
 517380045 +Fax: 602-659-2196 Aug 01 2018 01:15:11 Chex System, 7805 Hudson Road, suite 100, Saint Paul, MN 55125-1703
 517380047 +E-mail/Text: Bankruptcy.Consumer@dish.com Aug 01 2018 00:26:56 Dish, PO Box 94063, Palatine, IL 60094-4063
 517380048 +E-mail/Text: bankruptcynotices@dcicollect.com Aug 01 2018 00:27:33 Diversified Consultants, Inc., Diversified Consultants, Inc., Po Box 551268, Jacksonville, FL 32255-1268
 517380053 +E-mail/Text: cio.bncmail@irs.gov Aug 01 2018 00:26:26 Internal Revenue Service, P.O. Box 804527, Cincinnati, OH 45280-4527
 517380056 E-mail/Text: camanagement@mtb.com Aug 01 2018 00:26:33 M & T Bank, Po Box 844, Buffalo, NY 14240
 517380057 +E-mail/Text: bankruptcydpt@mcmcg.com Aug 01 2018 00:26:57 Midland funding LLC, 8875 Aero Drive, Suite 200, San Diego, CA 92123-2255
 517380059 +E-mail/Text: nffcu@optonline.net Aug 01 2018 00:27:02 Newark Fireman FCU, Po Box 5086, Newark, NJ 07105-0086
 517654235 +E-mail/Text: nffcu@optonline.net Aug 01 2018 00:27:02 Newark Firemen Federal Credit Union, PO Box 5086, Newark, New Jersey 07105-0086
 517574321 +E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Aug 01 2018 00:43:29 Orion Portfolio Services LLC, c/o PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
 517380062 E-mail/Text: appebnmailbox@sprint.com Aug 01 2018 00:26:55 Sprint, P.O. Box 4191, Carol Stream, IL 60197
 517380066 +E-mail/Text: wfmelectronicbankruptcynotifications@verizonwireless.com Aug 01 2018 00:26:00 Verizon Wireless Bankruptcy, Administration, 500 Technology Drive, Suite 550, Saint Charles, MO 63304-2225

TOTAL: 21

District/off: 0312-2

User: admin
Form ID: pdf901

Page 2 of 2
Total Noticed: 41

Date Rcvd: Jul 31, 2018

***** BYPASSED RECIPIENTS (continued) *****

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

517609916* +Atlas Acquisitions LLC, 294 Union St., Hackensack, NJ 07601-4303
517380061 ##+Security Check, 2612 Jackson Ave W, Oxford, MS 38655-5405

TOTALS: 0, * 1, ## 1

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '##' were identified by the USPS National Change of Address system as undeliverable. Notices will no longer be delivered by the USPS to these addresses; therefore, they have been bypassed. The debtor's attorney or pro se debtor was advised that the specified notice was undeliverable.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Aug 02, 2018

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on July 31, 2018 at the address(es) listed below:

Denise E. Carlon on behalf of Creditor BAYVIEW LOAN SERVICING, LLC dcarlon@kmlawgroup.com,
bkgroup@kmlawgroup.com
Kevin Gordon McDonald on behalf of Creditor BAYVIEW LOAN SERVICING, LLC
kmcDonald@blankrome.com, bkgroup@kmlawgroup.com
Marie-Ann Greenberg magecf@magtrustee.com
Michelle Labayen on behalf of Debtor Nicole Davis njchapter7@gmail.com,
benitezgiovanna@gmail.com
Neal M. Ruben on behalf of Creditor Newark Firemen Federal Credit Union rubes13@aol.com
Phillip Andrew Raymond on behalf of Creditor BAYVIEW LOAN SERVICING, LLC
phillip.raymond@mccalla.com
U.S. Trustee USTPRegion03.NE.ECF@usdoj.gov

TOTAL: 7